

PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
April 5, 2011

Lake Forest City Hall
25550 Commercentre Drive
Council Chambers
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is NOT intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.

CALL TO ORDER:

5:38 p.m.

ROLL CALL: Council Members:

Kathryn McCullough

Marcia Rudolph

Scott Voigts

Mayor Pro Tem:

Mark Tettemer

Mayor:

Peter Herzog

City Manager:

Robert C. Dunek

City Attorney:

Scott C. Smith

City Clerk:

Stephanie D. Smith

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Existing Litigation

Number of Cases: 5

City of Lake Forest v. Moen, et al. (Consolidated Case No. 30-2009-00298887)

City of Lake Forest v. Pharmer's Choice Collective, et al. (Case No. 30-2010-00435043)

City of Lake Forest v. Patient Farmers Cooperative (OCSC Case No. 30-2011-00455352)

City of Lake Forest v. World Cann Wellness Center (OCSC Case No. 30-2011-00455359)

City of Lake Forest adv. Marla James, et al. (Case No. SACV 10-00402 AG(MLGx))

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 1

Julie Ho v. City of Lake Forest (Case No. 30-2008-00107142)
United States Bankruptcy Court, Central District of California, Santa Ana Division (Case No. 8:11-bk-10907-ES)

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to subdivision (c) of Government Code Section 54956.9(c)
Significant exposure to litigation
Number of potential cases: 1

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:43 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:05 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

PLEDGE OF ALLEGIANCE: (F: 26.21)

The Pledge of Allegiance to the Flag of our Country was led by Council Member Voigts.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith stated there was no reportable action.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

John Heffel, Student Liaison from El Toro High School, presented his report.

PRESENTATIONS:

4. PROCLAMATION DECLARING APRIL 22, 2011, AS EARTH DAY IN THE CITY OF LAKE FOREST submitted by Director of Public Works/City Engineer. (F: 55.2)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member McCullough, the City Council approved the proclamation designating Friday, April 22, 2011, as Earth Day in the City of Lake Forest. MOTION UNANIMOUSLY CARRIED.

5. PROCLAMATION DECLARING APRIL 29, 2011, AS ARBOR DAY IN THE CITY OF LAKE FOREST submitted by Director of Public Works/City Engineer. (F: 55.2)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member McCullough, the City Council approved the proclamation designating Friday, April 29, 2011, as Arbor Day in the City of Lake Forest. MOTION UNANIMOUSLY CARRIED.

6. PROCLAMATION DECLARING THE MONTH OF APRIL 2011 AS "DMV/DONATE LIFE CALIFORNIA MONTH" submitted by City Clerk. (F: 55.2)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member McCullough, the City Council approved the proclamation as submitted. MOTION UNANIMOUSLY CARRIED.

7. INTRODUCTION OF NEW EMPLOYEE - MARCELLA NANKERVIS, P.E., TRAFFIC ENGINEERING MANAGER submitted by Director of Public Works/City Engineer. (F: 48.8F)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member McCullough, the City Council received the introduction of Marcella Nankervis as the Traffic Engineering Manager in the Public Works Department. MOTION UNANIMOUSLY CARRIED.

8. RECOGNITION OF ORANGE COUNTY SHERIFF LIEUTENANT DOUG DOYLE submitted by Deputy City Manager/Director of Management Services. (F: 55.5)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member McCullough, the City Council approved the recognition and presented to Orange County Sheriff Lieutenant Doyle. MOTION UNANIMOUSLY CARRIED.

9. INTRODUCTION OF NEW ORANGE COUNTY FIRE AUTHORITY DIVISION 5 CHIEF submitted by Deputy City Manager/Director of Management Services. (F: 48.8H) (X: 71.7)

MOTION: On motion by Mayor Pro Tem Tettemer and second by Council Member McCullough, the City Council received the introduction of Division Chief Craig Kinoshita as the new Orange County Fire Authority Division 5 Chief Officer. MOTION UNANIMOUSLY CARRIED.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Bart Van Ardenne, Joe Richter, David Alton and Harris Khan.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 10)

10. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer. (F: 30.11)

Mayor Pro Tem Tettemer disclosed he is an employee of the Irvine Ranch Water District (IRWD); he does not work for the department which handles rate setting or billings; because IRWD, a public agency, is the only available purveyor of water in areas of the City, he has concluded, in consultation with the City Attorney, he has a non-interest in this warrant; and having made this disclosure he is permitted to vote on this item.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant register in the amount of \$2,238,570.62 as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 11 - 23)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member Voigts, the City Council approved Consent Calendar Item Nos. *11-12 and *14-23 as submitted. MOTION CARRIED with Mayor Pro Tem Tettemer abstaining on Item No. 17, and Council Member Voigts opposing Item No. 23.

- *11. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: The City Council approved the reading by title of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.

- *12. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON MARCH 1, 2011 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- *14. QUARTERLY REPORT ON COMMISSION ATTENDANCE - FIRST QUARTER 2011 submitted by City Clerk. (F: 23.4)

ACTION: The City Council approved Commission absences as excused.

- *15. MONTHLY TREASURER'S REPORT - FEBRUARY submitted by Director of Finance/City Treasurer. (F: 30.12)

ACTION: The City Council received and filed the report as submitted.

- *16. CONTRACT AWARD FOR HUMAN RESOURCES CONSULTING SERVICES submitted by Deputy City Manager/Director of Management Services. (F: 48.8)

ACTION: The City Council approved the selection of Ralph Andersen & Associates to provide professional human resources consulting services. Authorized the Mayor to execute an agreement with Ralph Andersen & Associates, substantially in the form attached.

- *17. THIRD AMENDMENT TO CONSULTANT AGREEMENT WITH DAVID TAUSSIG AND ASSOCIATES FOR SPECIAL TAX SERVICES submitted by the Assistant to City Manager. (F: 15.6)

Council Member Tetteimer abstained on this item.

ACTION: The City Council: 1. Approved the Third Amendment to the Agreement with David Taussig & Associates for Special Tax Consulting Services. 2. Authorized the Mayor to sign and the City Clerk to attest the Third Amendment with David Taussig & Associates. MOTION CARRIED with Mayor Pro Tem Tetteimer abstaining.

- *18. REQUEST FOR PROPOSAL FOR PAYROLL SERVICES submitted by Director of Finance/City Treasurer. (F: 48.8E1)

ACTION: The City Council: 1. Approved the Request for Proposal for Payroll Services. 2. Authorized staff to solicit and receive proposals for these services.

- *19. CONTRACT WITH THE COUNTY OF ORANGE FOR ROAD MAINTENANCE SERVICES submitted by Director of Public Works/City Engineer. (F: 71.34C)

ACTION: The City Council: 1. Approved the Contract for Road Maintenance and Operation with the County of Orange. 2. Authorized the Mayor to sign, and the City Clerk to attest, the agreement substantially in the form attached.

- *20. CONTRACT AWARD FOR ON-CALL PUBLIC PROPERTY AND FACILITIES ELECTRICAL REPAIR SERVICES submitted by Director of Public Works/City Engineer. (F: 48.8F5)

ACTION: The City Council: 1. Waived the minor bid irregularity of an unsigned bid addendum acknowledgement form and award a contract in the amount of \$74,453 to Lake Forest Electric of Portola Hills, California, to provide on-call public property and facilities electrical repair services. 2. Upon receipt of the executed contract documents from Lake Forest Electric, rejected all other bids received and authorized return of the Bid Bonds. 3. Authorized the Mayor to sign and City Clerk to attest the contract with Lake Forest Electric, substantially in the form attached.

- *21. FIRST AMENDMENTS WITH USA WASTE OF CALIFORNIA, INC., DBA WASTE MANAGEMENT OF ORANGE COUNTY, FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE AND RECYCLING SERVICES submitted by Director of Public Works/City Engineer. (F: 11.4B1)

ACTION: The City Council: 1. Approved the First Amendments to Agreements for residential and commercial solid waste and recycling services with USA Waste of California, Inc., dba Waste Management of Orange County (WMOC). 2. Authorized the Mayor to sign, and the City Clerk to attest, the First Amendments with WMOC, substantially in the form attached.

- *22. REQUEST FOR PROPOSAL FOR MUNICIPAL ENGINEERING SERVICES submitted by Director of Public Works/City Engineer. (F: 48.8F6)

ACTION: The City Council: 1. Approved the Request for Proposal for Municipal Engineering Services. 2. Authorized staff to solicit proposals for these services.

- *23. AN APPEAL OF THE PLANNING COMMISSION'S DECISION AFFIRMING THE DEVELOPMENT SERVICES DIRECTOR'S DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR 7-ELEVEN LOCATED AT 20562 REGENCY LANE, SUITE A, LAKE FOREST submitted by the Director of Development Services.
(F: 23.5E12)

ACTION: The City Council adopted Resolution No. 2011-09 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, DETERMINING THAT PUBLIC CONVENIENCE OR NECESSITY IS SERVED BY ISSUANCE OF AN OFF-SALE BEER AND WINE LICENSE AT 20562 REGENCY LANE, SUITE A, UPHOLDING THE PLANNING COMMISSION'S DECISION AFFIRMING THE DEVELOPMENT SERVICES DIRECTOR'S DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY. MOTION CARRIED with Council Member Voigts opposed.

PULLED CONSENT CALENDAR ITEMS:

13. ADOPTION OF ORDINANCE 227 submitted by City Clerk. (F: 46.9)

This item was pulled by the public for separate consideration.

The following members of the public offered comments: Marisa O'Neill, Ben Ward, Gary Young, Keith Mulligan, Ben Snowden, Gray Smith, Chadd McCall, Laura Smith, and Ashton Maxfield.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council continued the second reading of Ordinance 227 for 30 days. Council requested staff to provide information with regard to potential damage to the concrete from BMX pegs used at the skatepark, possible use of plastic pegs verses banning pegs in the skatepark, and adding BMX sessions. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

24. AGREEMENT FOR IMPLEMENTATION AND MODIFICATION OF DEVELOPMENT AGREEMENT WITH IRVINE RANCH WATER DISTRICT submitted by City Manager. (F: 50.11B3)

Mayor Pro Tem Tetterer recused himself and left the dais at 8:21 p.m.

Staff report dated April 5, 2011 was introduced.
Mayor Herzog opened the Public Hearing for public comment.

Mayor Herzog closed the public portion of the Public Hearing.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Introduced and approved for first reading Ordinance No. 228 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING AN AGREEMENT FOR IMPLEMENTATION AND MODIFICATION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND IRVINE RANCH WATER DISTRICT. 2. Approved Agreement for Implementation and Modification of Development Agreement with Irvine Ranch Water District. 3. Authorized the Mayor to execute and the City Clerk to attest the Agreement for Implementation and Modification of Development Agreement. MOTION CARRIED with Mayor Pro Tem Tetterer abstaining.

Mayor Pro Tem Tetterer returned to the dais at 8:25 p.m.

Council Members Rudolph and McCullough left the dais at 8:25 p.m.

RECESS: The City Council recessed at 8:25 p.m.

RECONVENE: The City Council reconvened at 8:32 p.m.

DISCUSSION/ACTION ITEMS:

25. PROPERTY EXCHANGE AGREEMENT WITH THE COUNTY OF ORANGE submitted by City Manager. (F: 50.11A)

Staff report dated April 5, 2011 was introduced.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Approved the Agreement to Exchange Property with the County of Orange in substantially the form attached. 2. Authorized the City Manager to sign

and the City Clerk to attest the Exchange Agreement with the County of Orange, in substantially the form attached. 3. Authorized the City Manager to execute any related documents and deeds necessary to complete the property exchange. MOTION UNANIMOUSLY CARRIED.

26. IMPLEMENTATION OF "IN GOD WE TRUST" DISPLAY IN CITY COUNCIL CHAMBERS submitted by the Assistant to City Manager. (F: 10.3)

Staff report dated April 5, 2011 was introduced.

The following members of the public offered comments: Bob Holtzclaw and Vincent Burke.

ACTION: On motion by Council Member Rudolph and second by Council Member Voigts, the City Council provided direction to staff regarding specific location, design and budgetary preferences for installing the "In God We Trust" display in the City Council Chambers. MOTION CARRIED with Mayor Herzog and Mayor Pro Tem Tettermer opposing.

27. LEGISLATIVE AND REGULATORY MATTERS submitted by Assistant to the City Manager. (F: 72.2B)

ACTION: The City Council received and filed report as submitted.

28. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES AND/OR ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY submitted by City Clerk. (F: 43.4B)

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek offered no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Voigts offered no comments.

Mayor Pro Tem Tette mer offered no comments.

Mayor Herzog offered comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 9:12 p.m.